



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

**5-1**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE August 11, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Cathy MacGregor	FILE NO. DRC2003-00043
SUBJECT Request by Cathy MacGregor for a Minor Use Permit to allow a winery building including wine processing, barrel storage, and tasting room. The project will result in the disturbance of approximately one acre of a 24.9 acre parcel. The proposed project is within the Agriculture land use category and is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.			
RECOMMENDED ACTION Deny Conditional Use Permit DRC2003-00043 based on the findings listed in Exhibit A			
ENVIRONMENTAL DETERMINATION That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review Area, Sensitive Resource Area	ASSESSOR PARCEL NUMBER 044-151-009	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Scenic highway corridor standards, referral to City of SLO, production agriculture areas			
EXISTING USES: Vineyard			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / vacant <i>South:</i> Agriculture / scattered residences <i>East:</i> Agriculture / row crop, Highway 227 <i>West:</i> Agriculture / row crop, Price Canyon Road			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: County Public Works, County Environmental Health, County Parks, CDF, APCD, Cal Trans, City of SLO	
TOPOGRAPHY: Level with central prominent hill	VEGETATION: Vineyard, scattered trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: Not accepted for processing

#### PROJECT DESCRIPTION / SITE DESIGN:

The proposed project is a winery and tasting room, including wine processing, bottling, and barrel storage. The applicant has proposed to construct the 30-foot high winery building on the peak of an approximately 40-foot high hill centrally located on the property. Proposed development at the top of the hill includes the 406 square-foot tasting room and 2,000 square-foot processing/production area (including a small office and lab), with an additional 1,000 square-foot outdoor processing area partially covered by an awning. Access to the site atop the hill will require grading to widen an existing 10 wide road to 20 feet. Circulation and turnaround space are also provided at the top of the hill including a 3-vehicle parking lot. Additional development includes installation of a 25,000 gallon water tank and subsurface disposal system and leach field atop the hill.

#### BACKGROUND:

##### Project Inconsistent with Land Use Ordinance/Land Use Element

The project proposes a winery and tasting room, including wine processing and barrel storage. The site is situated in a semi-rural area with scenic viewsheds to Edna Valley to the east and to wooded hillsides to the west. The applicant and staff met on several occasions to discuss issues of concern regarding visual resources and impacts, traffic safety, architectural design, grading and access, landscaping/screening, and the proposed location of the septic leach field. The applicant has indicated that the proposed the winery and tasting room is needed at the top of the hill because the hill is one of the only locations on the property where vineyards are not planted. Staff suggested some building relocation options, which would lessen or eliminate the visual impact from Highway 227 and Price Canyon Road. However, no change was proposed by the applicant, and after reviewing the additional information submitted by the applicant, staff has determined that the project is not consistent with the Land Use Ordinance and Land Use Element because it will create a substantial visual impact due to its high visibility and silhouetting against the skyline.

##### Project Incomplete

The project has not been accepted for processing due to deficiencies in the information requested from the applicant. The following information has been requested and has not been submitted or has been inadequate to complete a full review:

- Staff has requested four (4) photo-simulations that visually depict the proposed structure on the hill to determine the visual impact, including possible silhouetting of the structure against the backdrop. The applicant failed to submit the two most critical photo-simulations that would help complete the review.

ISSUES OF CONCERN:

Land Use Ordinance - Visual Resources

The site is located near the intersection of Price Canyon Road and Highway 227, a route designated as within the Highway Corridor Design Area of the San Luis Obispo Planning Area. The LUO states that these standards are intended "to protect views of scenic backdrops and background vistas and foreground views from scenic roads and highways, and other environmental resources that provide habitat and watershed drainage." Staff is especially concerned in that the proposed building would silhouette from multiple directions. When viewed from Price Canyon Road, the proposed 30-foot high building would significantly encroach into the skyline of the Santa Lucia Mountains to the east. When viewed from Highway 227, the proposed building would encroach above the skyline of the hills along Price Canyon Road (see attached photos).

The design area includes land within 100 feet of Highway 227; therefore the subject property is within this area. The proposed building site, although outside the 100-foot design area, is located on a particularly prominent and highly unique hill surrounded by nearly level vineyards that can be seen clearly from both Highway 227 and Price Canyon Road. The project is proposed in a rural location that is inconsistent with the intent of the standards of the design area. These design standards and requirements for discretionary permits include:

**Locations of development.** Locate all development including accessory structures (including water tanks) and access roads in the least visible portion of the site as viewed from any of the scenic highway or railroad corridors. Use existing topographic features first and vegetation second to screen development from public view as much as possible.

Discussion: The development, including the water tank, is proposed on the most visible portion of the site from Highway 227. Very limited topographic features are available at the top of the hill for screening purposes; rather, vegetative screen has been proposed.

**Grading.** Minimize grading that would create cut and fill slopes visible from any of the scenic highway or railroad corridors.

Discussion: Grading of the site is not minimized due to the CDF required 20' wide access driveway that is proposed to provide access to the top of the hill, as well as the parking lot and production areas on top of the hill. Significant cut and fill slopes will result from the grading and will be highly visible. Revegetation of any resulting cut/fill slopes may be difficult due to the limited depth of soil layer on the hill.

**Slope limitation.** Grading for structures and roads shall occur on slopes that are less than 30 percent.

Discussion: Grading for roads is proposed on slopes approaching 45%.

**Building visibility.** Minimize building height and mass by using low-profile design where applicable. Minimize building visibility (including water tanks) by using colors to harmonize with surrounding natural environment.

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Discussion: The proposed development is approximately 30 feet in height and will be highly visible from public roads. A one-story structure is typically around 15 feet in height. The proposed 25,000 gallon water tank will also be highly visible. No height has been provided for the proposed water tanks.

**Landscaping.** Provide landscaping to screen and buffer development with native or drought-resistant plants, including extensive use of evergreen trees and large-growing shrubs.

Discussion: The applicant has proposed the use of trees and shrubs to screen the development on the hill; however, since the hill is primarily rock, the existence of an adequate amount of top soil for planting on the sides and top of the hill is questionable. The site may need substantial amounts of soil amendments, necessitating additional grading.

#### Cal Trans - Traffic Study

The California Department of Transportation requested that a traffic study be submitted to provide information on the effects of added traffic from the proposed project on the intersection of Highway 227 with Old Price Canyon Road (see attached letter dated May 18, 2004). Cal Trans stated that the primary issues are the safety implications for ingress/egress traffic from the site on and off Highway 227. The applicant submitted a traffic analysis (Orosz Engineering Group, 2005) that explored the traffic impacts of the three potential projects at the intersection of Price Canyon Road and Highway 227. These included the existing non-conforming Old Edna Deli (DRC2004-00082) and the proposed Clark subdivision (S000098T). The report stated that the additional trips generated by any or all of the proposed projects represent a small number, and that some level of improvement would be required to bring the area up to minimum standards, including consolidation of access at Maxwellton Street and additional signage. County Public Works reviewed the traffic study, and is in general agreement with the conclusions of the study.

#### County Environmental Health

The County Department of Environmental Health has expressed concerns with the placement of the on-site septic system in the proposed location. The Building and Construction Ordinance states that "no soil absorption sewage disposal area shall be located where the natural slope is 30 percent or greater." The area shown on the plans for the placement of the on-site septic system has a natural grade of approximately 35%. "Daylighting" of effluent is a health safety concern, and a suitable alternative location for the on-site system has not been identified.

#### Agriculture & Open Space Element

Policy AGP 30 regarding Scenic Resources in the Agriculture & Open Space Element includes the following language:

"In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:

1. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.

## Planning Commission

Conditional Use Permit DRC2004-00043 / MacGregor

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2. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.
3. Use natural landforms and vegetation to screen development whenever possible.
4. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture."

This section goes on to state that although the "designation of a scenic corridor....and its subsequent management shall not interfere with agricultural uses on private lands", the policy also states, "the CEQA review of the proposed project should seek to balance the protection of the scenic qualities along the corridor with the needs of the agricultural resources and facilities" (pg. 2-59). The Agricultural Commissioner's Office has included comments supporting concerns with visual, grading, and septic system issues, and that relocation of such facilities to more productive soils is allowed when there are physical site constraints (see attached letter).

## AGENCY REVIEW:

Agricultural Commissioner - Supports identifying appropriate alternate locations for the proposed winery and tasting room.

Public Works - Recommends intersection improvements along Highway 227.

Environmental Health - Septic field cannot be located on 30% or greater slopes. Concerns with daylighting of effluent. See attached comments.

CDF - See attached fire safety plan.

APCD - The project is not likely to exceed District emission threshold levels of significance, however, dust control and energy efficient measures, and developmental burning/demolition restrictions outlined in the attached March 11, 2004, should be incorporated.

City of San Luis Obispo - Concerns with hillside design standards, including grading, visual impacts, architectural design.

Cal Trans - Disagrees with conclusions of OEG traffic study - left-turn channelization characteristic of State Route 227 Corridor. See discussion above and attached letter.

## LEGAL LOT STATUS:

The existing lot was legally created by a voluntary merger on March 25, 2005.

Staff report prepared by Brian Pedrotti and reviewed by Kami Griffin

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**FINDINGS - EXHIBIT A**  
**Minor Use Permit DRC2003-00043**

*Minor Use Permit*

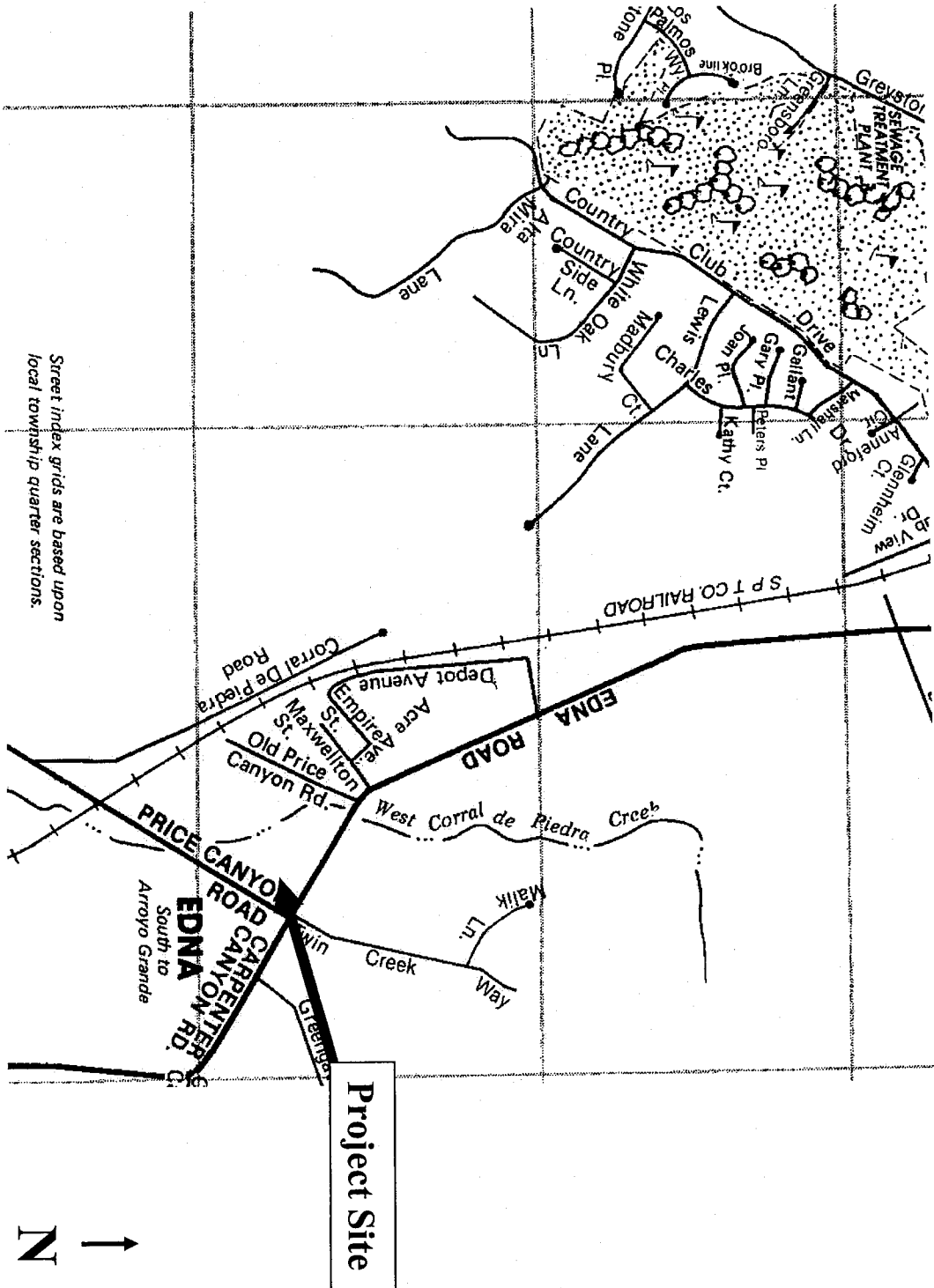
- A. The proposed project is not consistent with the San Luis Obispo County General Plan because:
1. The project does not meet the intent of the highway corridor design standards in the San Luis Obispo Planning Area for the Sensitive Resource Area combining designation, which include the following:
    - a. Locate all development including water tanks and access roads in the least visible portion of the site as viewed from any of the scenic highway corridors, consistent with the protection of other resources. Use existing topographic features first and vegetation second to screen development from public view as much as possible.
    - b. Minimize grading that would create cut and fill slopes visible from any of the scenic highway corridors.
    - c. Grading for structures and roads should occur on slopes that are less than 30 percent.
    - d. Minimize building height and mass by using low-profile design where applicable. Minimize building visibility (including water tanks) by using colors to harmonize with surrounding natural environment.
    - e. Provide landscaping to screen and buffer development with native or drought-resistant plants, including extensive use of evergreen trees and large-growing shrubs.
  2. The project does not comply with the Ag and Open Space Policy AGP 30 Scenic Resources as stated below:
    - a. In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:
      - i. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.
      - ii. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.
      - iii. Use natural landforms and vegetation to screen development whenever possible.
      - iv. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture."
- B. The proposed project does not satisfy all applicable provisions of Title 22 of the County Code because all necessary information has not been submitted per Sec. 22.62.050.

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- C. The establishment and subsequent operation or conduct of the use will, because of the circumstances in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use because:
  - 1. The proposed location of the on-site septic system is located on unacceptably steep slopes and "daylighting" of effluent may occur.
- D. The proposed project or use will be inconsistent with the visual character of the immediate neighborhood and contrary to its orderly development because the existing area surrounding this site is bordered by vineyards, row crops, grazing land, and other scenic open space, scenic values with which the proposed project could conflict based on the standards in the Land Use Ordinance and Agriculture/Open Space Element.

*Environmental Determination*

- F. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.



Project

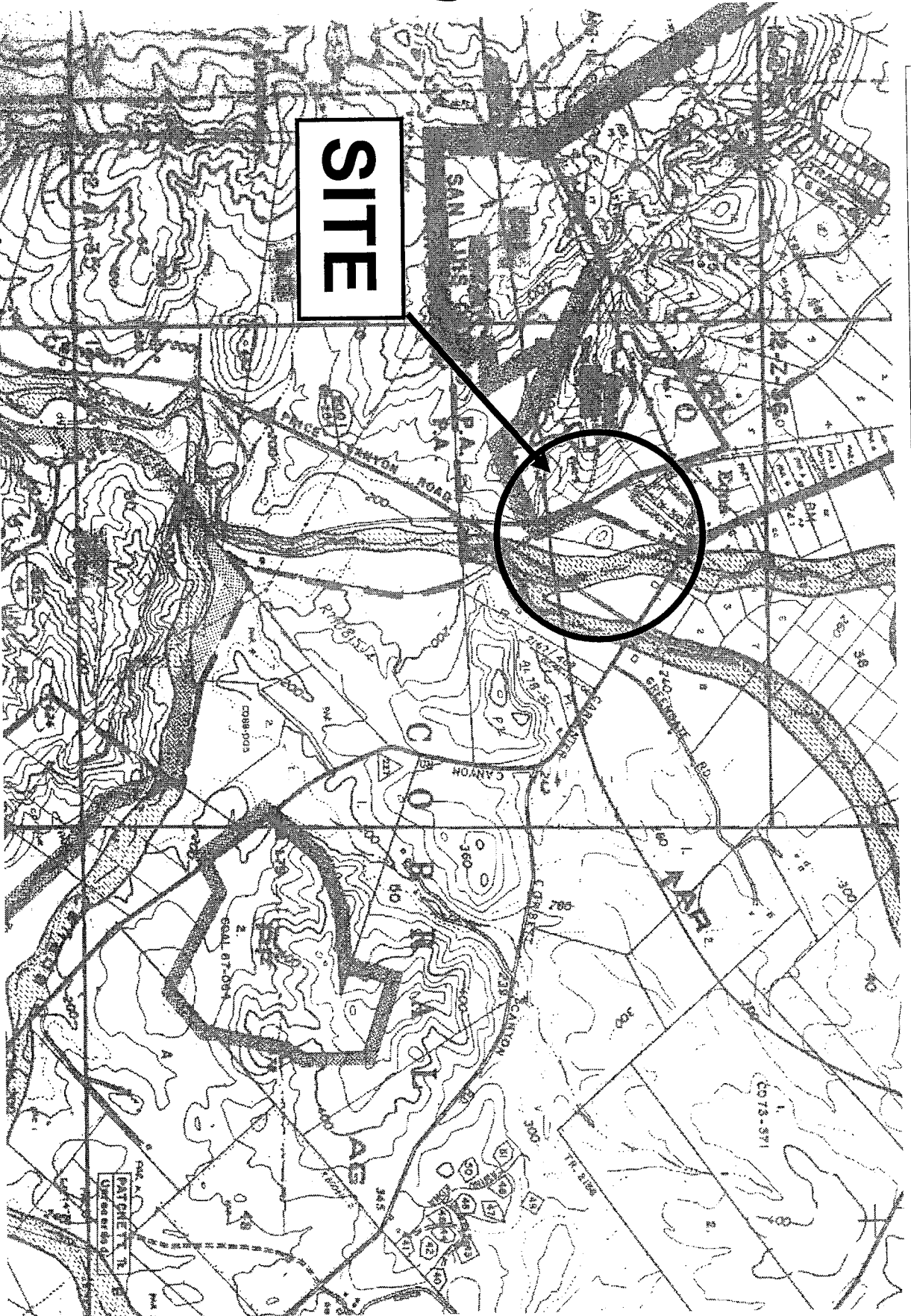
MacGregor Minor Use Permit

Exhibit

Vicinity Map



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**PROJECT**

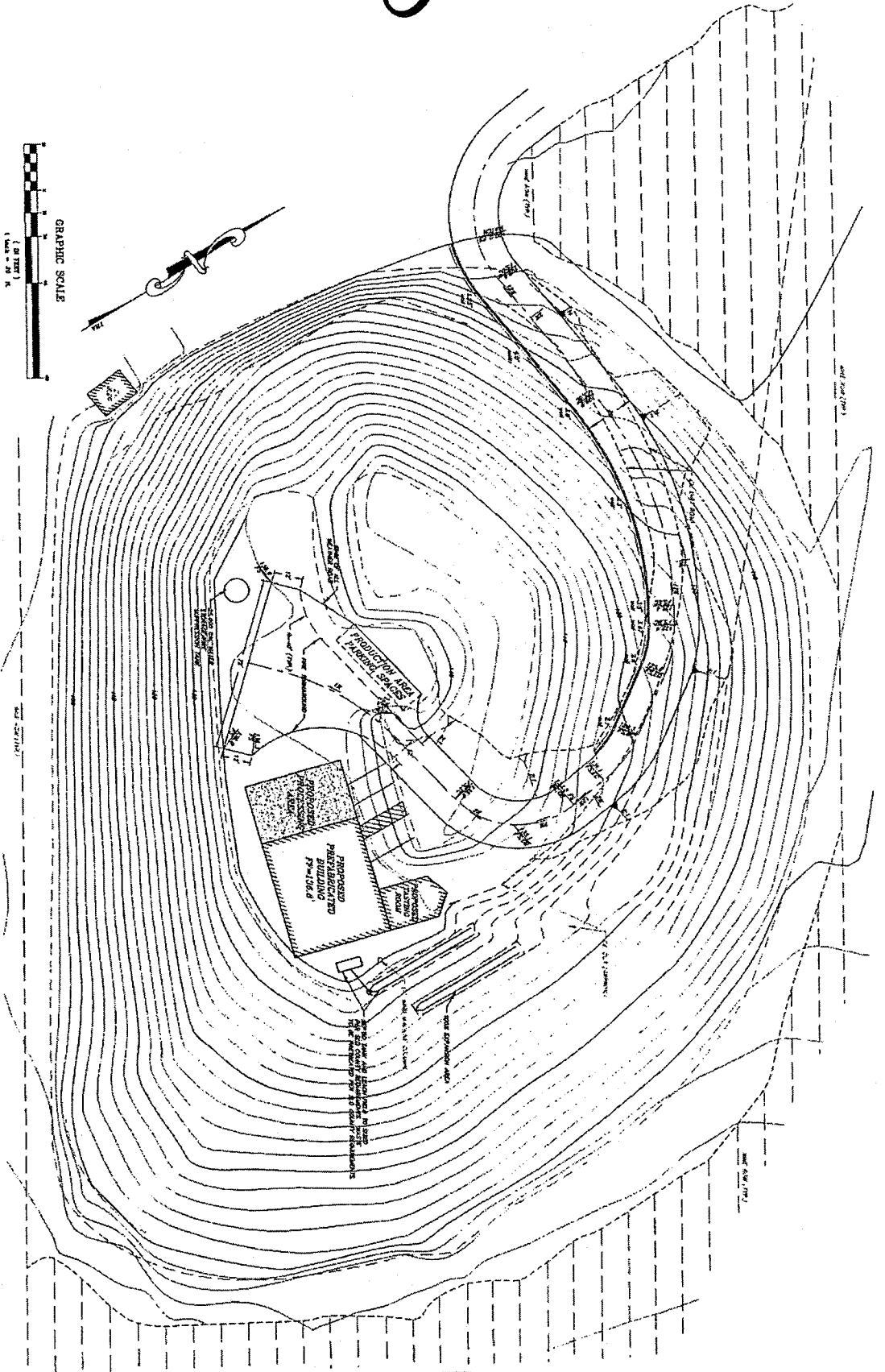
Minor Use Permit  
MacGregor DRC2003-00043



**EXHIBIT**

Land Use Category

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PROJECT

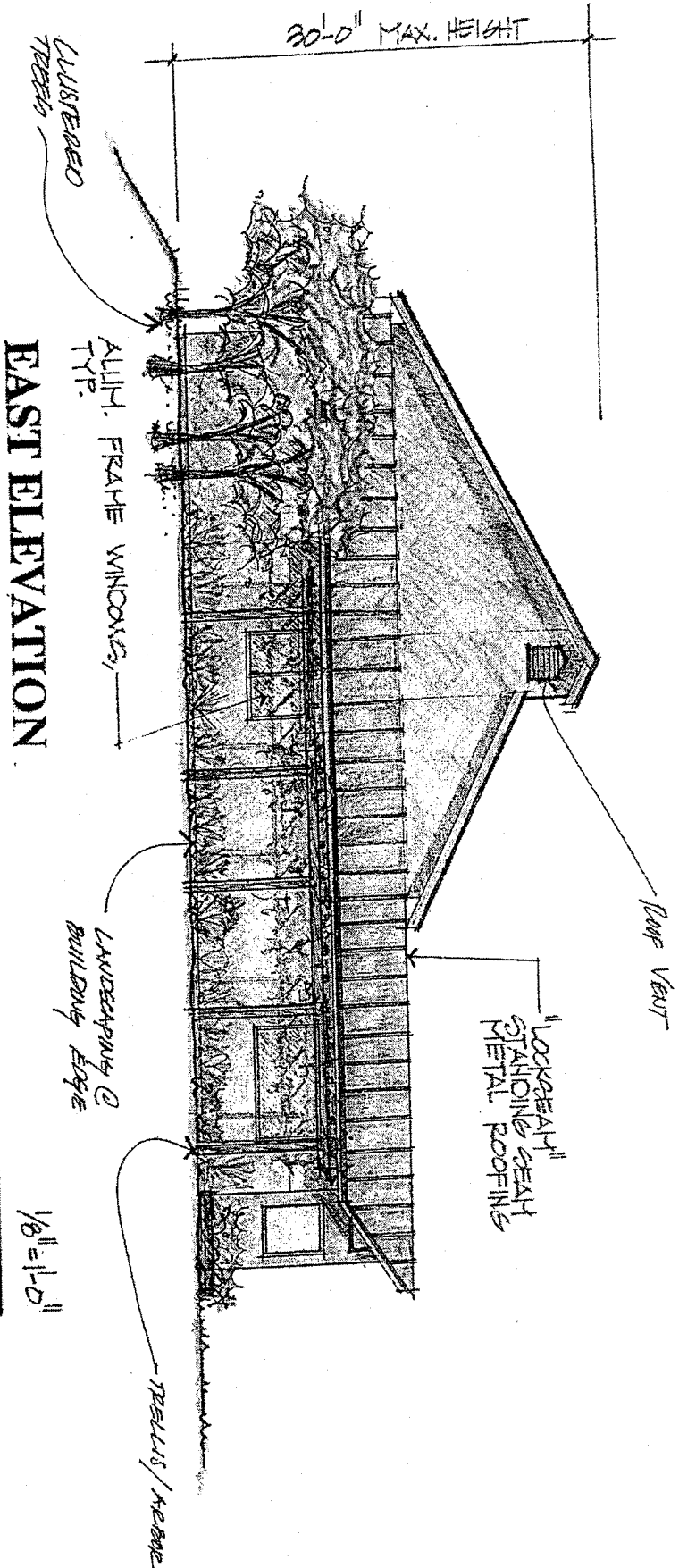
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MacGregor DRC2003-00043



EXHIBIT

Site Plan

5-11



**EAST ELEVATION**

**PROJECT**

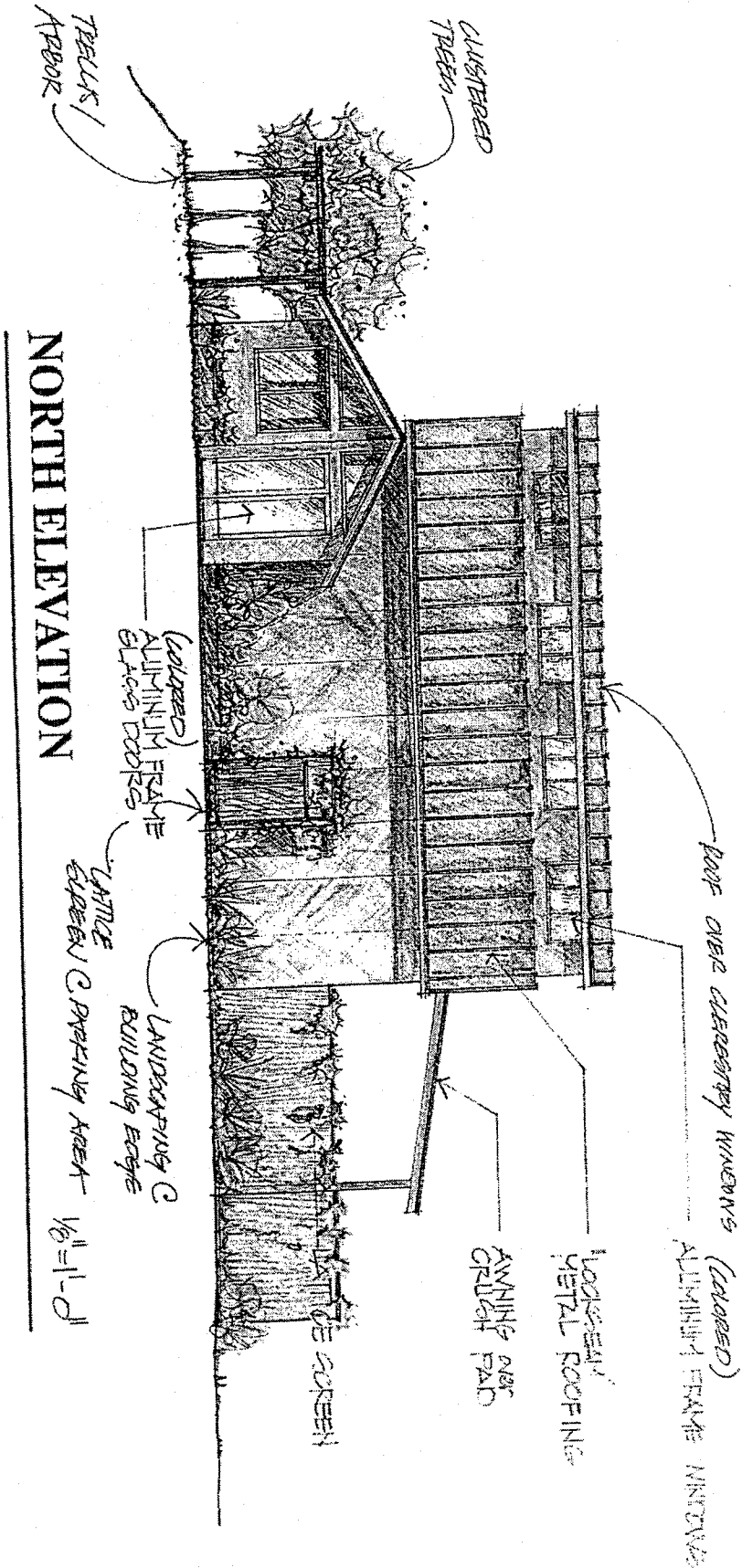
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MacGregor DRC2003-00043



**EXHIBIT**

Elevation

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PROJECT

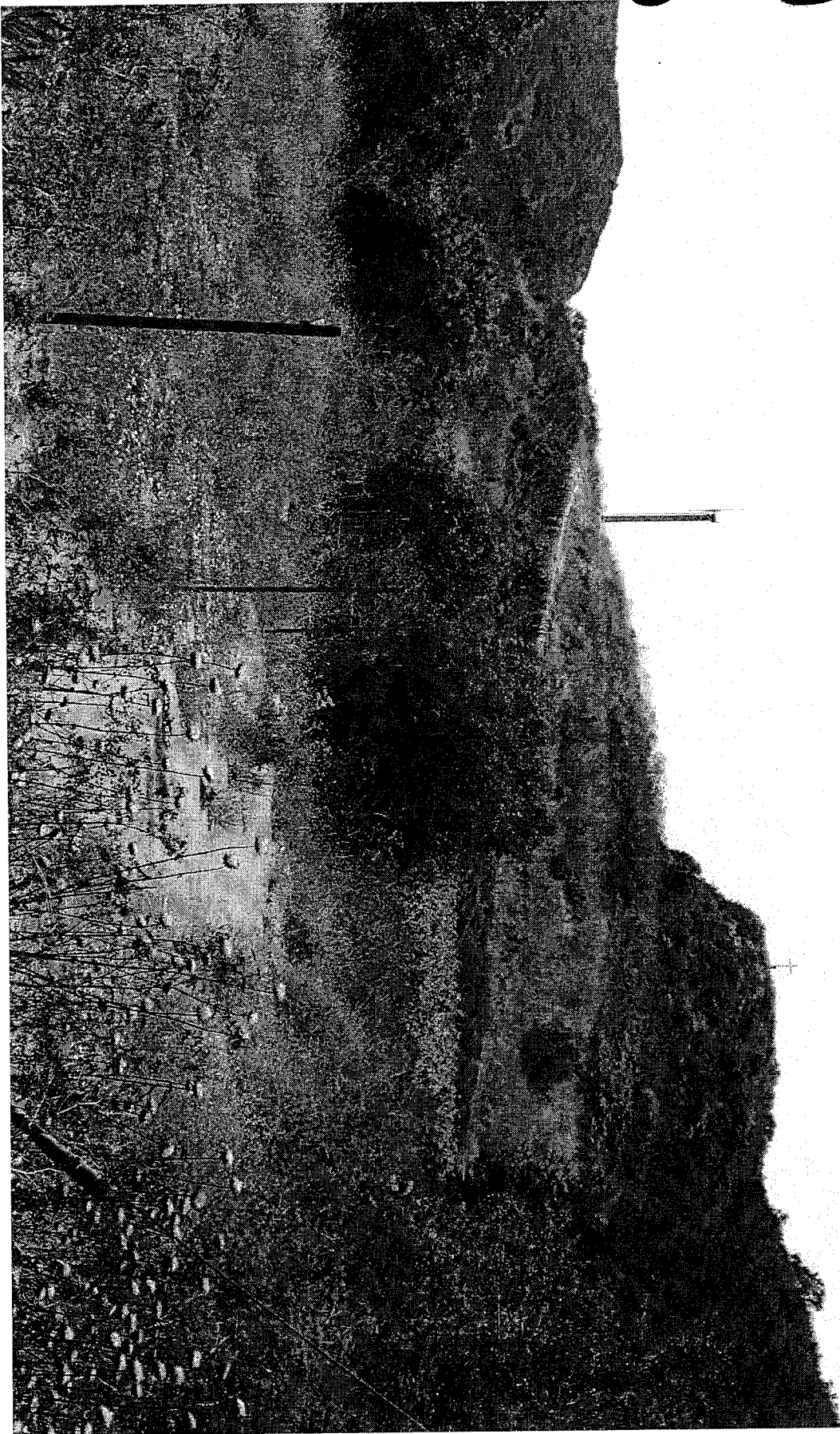
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MacGregor DRC2003-00043



EXHIBIT

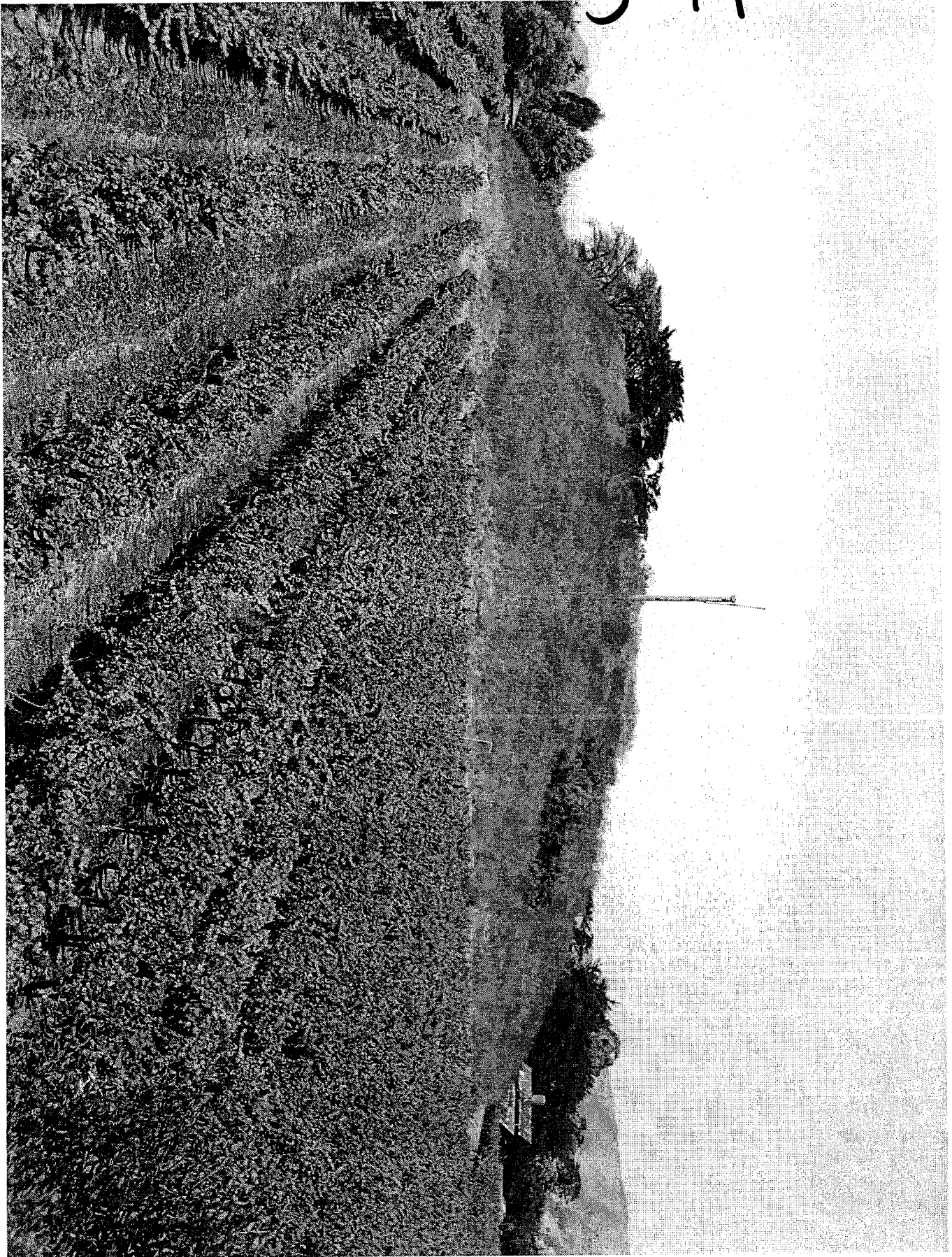
Elevation

5-13

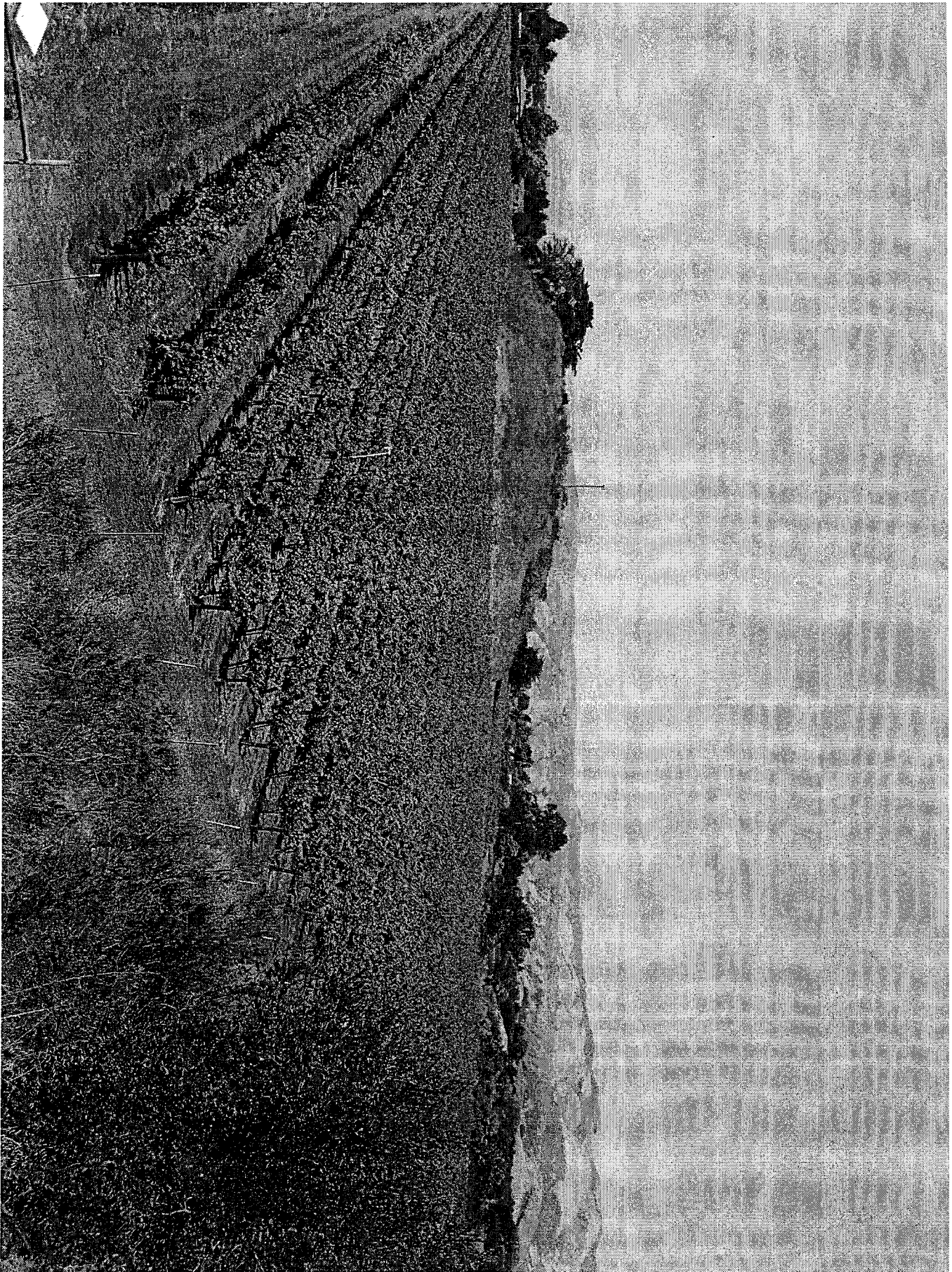




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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

April 26, 2005

MEMORANDUM

TO: Kerry Brown, Elizabeth Kavanaugh, Brian Pedrotti  
Department of Planning & Building

FROM: Richard Marshall, Development Services Engineer *RM*

SUBJECT: Traffic Analysis for "Old Edna" Area

Thank you for the opportunity to review the "Maxwellton Street/Old Price Canyon Road Access Analysis - Highway 227" prepared by Steve Orosz of Orosz Engineering Group. I concur with the report's methods and conclusions. I have the following comments and recommendations for the two land use and one subdivision projects which are currently pending for the area:

1. **Deli hours.** The evaluation and conclusions of the trip generation for the deli and winery projects is specifically dependent upon the hours of operation that were assumed in the report. As long as these hours are in effect, the conclusions of the report are valid. Therefore, these specific hours should be memorialized in the conditions of approval. For the deli, the hours assumed are 8:00 a.m. to 5:00 p.m. Similarly, the use of the "meeting room" in the deli structure is represented as having no events which begin or end during the peak hours of the adjoining roadway system. I recommend that this also be carried forward as a condition of approval. For this purpose, a condition could be stated, "no events shall be held which begin or end during the hours of 7:00-9:00 a.m. and 4:00-6:00 p.m. daily." In addition, some condition which limits the types of activities and/or the numbers of people using the "meeting room" may be appropriate since this could generate a significant number of additional trips to the site.
2. **Winery hours.** The hours of operation assumed for the winery are 10:00 a.m. to 4:00 p.m., which should also be carried forward into the conditions. The analysis assumed no Special Events for the winery; this also should be a function of the Approved Uses for the project.



3. **Left-turn channelization.** Based on the technical evaluation provided in the report, widening of Highway 227 to provide a left-turn pocket for either Maxwellton Street and/or Old Price Canyon Road is not warranted as a result of the proposed projects, given the limitation on hours of operation discussed above. I have reviewed Caltrans' correspondence on this point. Although channelization is provided farther north on 227, it is typically used at intersections which have substantially higher traffic volumes and turning movements, as well as within the urban area, where there are a much higher concentration of commercial driveway locations. Other uses in closer proximity to the proposed projects, such as Claiborne & Churchill winery, are operating satisfactorily without provision of left-turn channelization.
4. **Access configuration.** In order to provide proper safety for residents and/or customers of the proposed developments, it would be necessary to improve one or both of the intersections with Highway 227 to current Caltrans standards for a public road intersection. The traffic study recommended using the standards for a private road intersection, but to comply with Title 21 requirements, this will need to be improved as a public road.

If any of the three projects, individually or collectively, were to propose to take primary access by perpetuating the existing connection of Old Price Canyon Road to Highway 227, the improvement of that intersection would not be feasible due to the proximity of the highway bridge and the creek, so it is not recommended as the most-feasible alternative.

I concur with the report's recommendation that access for all three projects be consolidated at the Maxwellton Street intersection, which has the better location of the two existing intersections. To accomplish this, Old Price Canyon Road would be realigned to take access from Maxwellton Street. I recommend that all three projects be conditioned to take access from the intersection of Highway 227 and Maxwellton Street, and close the existing highway connection at Old Price Canyon Road.

The conditions for each of the three projects should include the following:

- a. The intersection of Maxwellton Street and Highway 227 shall be designed and constructed to comply with Caltrans standards for a public road intersection.
- b. Maxwellton Street shall be improved to an A-1 (rural) standard [fronting the property (for the deli project and the subdivision)] [from the property to Highway 227 (for the winery project)] within a minimum 50-foot dedicated right-of-way.
- c. The applicant shall install the advance intersection-warning signage as recommended by the traffic study, subject to the approval of Caltrans.

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- d. The applicant shall relocate the existing group of mailboxes as recommended in the traffic study.
- e. Old Price Canyon Road shall be realigned to take access from Maxwellton Street, and improved to an A-1 (rural) standard within a minimum 50-foot dedicated right-of-way. Any portion of the existing roadway not perpetuated in the new alignment shall be obliterated to the satisfaction of the Department of Public Works.
- f. The area between Highway 227 and the main building of the deli project should have few, if any, on-street parking spaces, to avoid turning movement conflicts near the road intersection. Therefore, the main parking area (for the deli project) should be located westerly of the building, if feasible. Some limited number of spaces, if necessary for disabled parking requirements (for the deli project), may be appropriate in the area between the building and the highway.

I hope this information will assist you in processing these projects. Please call me at 781-5280 if you have questions or need additional information.

c: Chuck Stevenson, Supervising Planner  
Bill Robeson, Planning & Building  
Steve Orosz, Orosz Engineering Group, 1627 Calzada Avenue, Santa Ynez, CA 93460  
James Kilmer, Caltrans District 5

File: Tract 2405

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

## DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3111  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.gov/dist05>

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*Flex your power!  
Be energy efficient!*

February 3, 2005

SLO - 227 PM 7.12  
MacGregor  
(Windemere Winery)  
DRC 2003-00043 &  
OEG Traffic Study for  
Old Edna Residential  
Project Access Analysis -  
Highway 227

Mr. Brian Pedrotti, Planner  
Department of Planning & Building  
San Luis Obispo County Government Center  
San Luis Obispo, CA. 93408

Dear Mr. Pedrotti:

The California Department of Transportation (Department) has reviewed the Orosz Engineering (OEG) Traffic Study for the above referenced project, as a result the following comments were generated.

1. Due to safety and operational considerations, it has been the Department's experience that a development (in total) of this scope requires left turn channelization.
2. Left-turn channelization and two-way-left-turn-lanes (TWLTL) are currently characteristics of the State Route 227 Corridor.
3. The Department disagrees with the conclusions of the OEG traffic study regarding trip generation of the combined projects. The Old Edna Deli alone features 50 parking spaces however no peak hour trips (PHTs) are shown turning into either Maxwellton Street or Old Price Canyon Road at that time, as assigned to that business. Similarly, no mid-week PHTs are shown traveling to the MacGregor Winery. Secondly, the business hours of either the Winery or the Deli/Gallery cannot be enforced and lastly, count station data at this location indicates the PM peak hour falls within the 3:30 PM to 5:30 PM time frame.

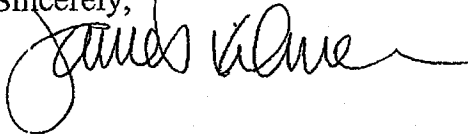
The Department offers the above for your consideration in helping the Lead Agency define the extent of the traffic mitigation on State Route 227 for these projects.

Mr. Pedrotti  
February 3, 2005  
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Thank you for the opportunity to comment on the OEG Traffic Study. If you have any questions, please contact me at 549-3683

Sincerely,



James Kilmer  
District 5  
Development Review/CEQA Coordination

c: D. Murray, R. Barnes, N. Sams, P. McClintic

## DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3111  
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<http://www.dot.gov/dist05>

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*Flex your power!  
Be energy efficient!*

RECEIVED

May 18, 2004

MAY 20 2004

Planning &amp; Bldg

SLO - 227 PM R7.93  
MacGregor Winery, Old  
Edna Deli Conversion &  
Residential Development  
on Old Price Canyon  
Road - Combined Traffic  
Study

Mr. Brian Pedrotti  
County of San Luis Obispo  
Dept. of Planning & Building  
County Government Center  
San Luis Obispo, CA. 93408

Dear Mr. Pedrotti:

I would like to take this occasion to thank both you and Mr. Chuck Stevenson for meeting with members of Development Review & Traffic Safety Staff out at the site on Route 227 near the Old Edna Deli last Friday. From our discussions and survey of the traffic flow patterns at that location, it appears that both County and Caltrans Staff have a shared understanding of the challenges that residents and customers of the proposed private development projects will encounter as they turn into the site.

To help us better understand what the effects of the added traffic from the proposed projects will have at the location, Caltrans Staff requests that a new traffic study be completed. The new traffic study will need to take into account the added traffic from the three anticipated new projects; the residential development, the Old Edna Deli conversion to a full restaurant, and the MacGregor Winery.

An essential component of the traffic study will need to feature an investigation of the geometrics and the safety implications of the ingress/egress of traffic from these projects onto and off of Route 227. To refresh both of our memories, the group discussed the possibility of consolidating access at this location into one connection to Route 227 at Maxwellian Street. The elimination of the dirt road connection of Old Price Canyon Road and the construction of left-turn channelization on Route 227 at Maxwellian Street, would have the effect we conjectured, of better accommodating north bound 227 traffic, that will be turning into the project sites. The traffic study will need to tell us if the consolidation will in fact solve the perceived problem, or, if it won't.

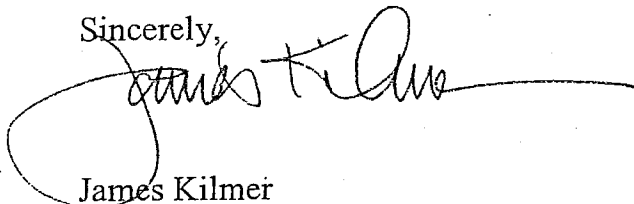
5-22

The new traffic study should utilize the "stopping site distance" study that was performed by Mr. Bill Heath for the previous Old Edna Deli application. A speed zone survey should also be completed as well in order to document the 85<sup>th</sup> percentile (ambient) traffic speeds at this location. This will help determine the length of the transition from deceleration taper to the storage area of the left-turn channelization. The traffic study should also include the standard, existing, existing + project traffic conditions (AM & PM peak hour scenarios as well as anticipated special events). This will give us the needed size of storage area for the channelization. The applicants will need to consult with a Licensed Traffic Engineer to do the study

As a result of the Route 227 access consolidation at Maxwellian Street the traffic study should include a discussion of alternatives for how the occupants of the residential development will access Route 227 in light of Old Price Canyon Road being closed.

Again, thank you for conferring with the Department on this issue. If you have any questions, please contact me at 549-3683.

Sincerely,

A handwritten signature in black ink, appearing to read "James Kilmer", written over a large, loopy circular flourish.

James Kilmer  
District 5  
Development Review

c: File, D. Murray, R. Barnes, N. Sams



COUNTY OF SAN LUIS OBISPO

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**Department of Agriculture/Measurement Standards**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

**DATE:** July 14, 2004  
**TO:** Brian Pedrotti, Planner III  
**FROM:** Lynda L. Auchinachie, Agriculture Department *JA*  
**SUBJECT:** MacGregor Minor Use Permit, DRC2003-00043 (0843)


Per our recent conversation, the proposed location for the winery and tasting room cannot be supported by the Planning Department due to visual and grading impacts as well as potential wastewater daylighting concerns. It appears the only feasible location for such a facility would be in an area that currently supports vineyards.

Agriculture and Open Space Element policies allow for relocating such facilities on the more productive soils when a project site has constraints as identified above. The Agriculture Department is available to work with your department to assist the applicant in identifying an appropriate location for the proposed winery and tasting room. If you would like to schedule a meeting, please contact me at 781-5914.

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 Brian Pedrotti


07/21/2004 03:49 PM

To: Laurie Salo/PH/COSLO  
cc: Brian Pedrotti/Planning/COSLO@Wings  
Subject: Re: MacGregor MUP (DRC2003-00043) 

Laurie Salo

 Laurie Salo

07/21/2004 10:51 AM

To: Brian Pedrotti/Planning/COSLO@Wings  
cc:  
Subject: Re: MacGregor MUP (DRC2003-00043) 

Brian-

After review of the referral for MUP DRC 2003-00043, Environmental Health Services is concerned about placement of the on-site septic system. The project states that the physical site characteristics are steep slopes (50%). The Building and Construction Ordinance states that "no soil absorption sewage disposal area shall be located where the natural slope is 30 percent or greater." The area shown on the exhibits for placement of the on-site system appear to be approximately 35 % slope and therefore do not meet the ordinance. Unless an area can be located with less than a 30% slope, Environmental Health could not support this proposal.

LAURIE A. SALO, R.E.H.S. III  
Senior Environmental Health Specialist  
Land Use Section  
Phone: (805) 781-5544  
Fax: (805) 781-4211  
Email: lsalo@co.slo.ca.us  
Brian Pedrotti





5-25 • SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

CORE 11-04

VICTOR HOLANDA, AICP  
DIRECTOR

PP

THIS IS A NEW PROJECT REFERRAL

DATE: Feb. 27, 2004  
TO: San Luis Obispo - City  
FROM: So. County Team  
(Please direct response to the above)

DEC 2003-00043/MACGREGOR  
Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION: WINEY W/ TASTING ROOM

Brian Pedrotti

788-2788

Return this letter with your comments attached no later than: March 12, 2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?  
☒ YES (Please go on to Part II)  
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?  
☒ NO (Please go on to Part III)  
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

PROJECT DOES NOT COMPLY W/ HILLSIDE  
DESIGN STANDARDS, GRADING, VISUAL  
IMPACTS, ARCHITECTURAL DESIGN ARE  
CITY CONCERNS.

6/21/04  
Date

[Signature]  
Name

781-7176  
Phone

RECEIVED



5-26 SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

BP

VICTOR HOLANDA, AICF  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

Feb. 27, 2004

FROM

Public Works (Engrg.)



FROM

So. County Team

(Please direct response to the above)

REC 2003-00043/MACGREGOR  
Project Name and Number

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Recommend Approval — INTERSECTION OF OLD PRIZE CYN RD WITH HWY 227  
NEEDS TO BE IMPROVED. THE INTERSECTION TO BE DESIGNED AND CONSTRUCTED  
IN ACCORDANCE WITH CAL HWY DESIGN MANUAL AS MUCH AS POSSIBLE AND OBTAIN A  
CALTRANS ENVIRONMENT PERMIT. WRONG BLOCK HILITED ON LU MAP (APN MAP CORRECT).  
SEE TR 2405

23 MAR 2004  
Date

GORDON  
Name

5252  
Phone



CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

5-27

RECEIVED

MAR 17 2004

Planning & Bldg

March 11, 2004

County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

BP

Dear South County Team,

## COMMERCIAL MINOR USE PLAN

**Name: Mac Gregor Project Number: DRC 2003-00043**

The Department has reviewed the minor use plans submitted for the proposed winery and tasting room project located at 1600 Old Price Cyn. Rd., San Luis Obispo. The property is located within the high fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

**The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:**

### FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, commercial water system and fire lanes.

### FIRE ALARM SYSTEM

- The proposed project is required to install a total coverage heat/smoke alarm system.
- The system shall comply with NFPA Pamphlet 72.
- The system shall transmit to a central 24-hour monitoring point.
- Plans shall be submitted to the County Fire Department.

### PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the Uniform Fire Code (2000) Section 1002.1, Standard 10-1.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

### ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

### WATER STORAGE TANK

- A minimum of 5,000 gallons of water in storage shall be required.
- Emergency water tanks shall have a(n):
  - automatic fill,
  - sight gage,
  - venting system,
  - The minimum water main size shall not be less than six (6) inches.
  - Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

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## WATER SUPPLY CONNECTION

- One fire hydrant shall be required.
- Fire hydrants are to be located with a maximum normal spacing of 300 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
  - (a) On a non-skid surface, center of roadway, to the fire hydrant side.

## ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lanes for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

## ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

## FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

*Gilbert R. Portillo*  
Fire Inspector

C:Ms. Cathy Mac Gregor, owner  
Ms. Rachel Dumas, agent



**AIR POLLUTION  
CONTROL DISTRICT**  
COUNTY OF SAN LUIS OBISPO

**RECEIVED**

MAR 11 2004

Planning & Bldg

DATE: March 11, 2004

DP 5-29

TO: South County Team  
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise *MAC*  
San Luis Obispo County Air Pollution Control District

SUBJECT: Windemere Winery and Tasting Room, DRC2003-00043

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 1600 Old Price Canyon Road, San Luis Obispo. We have the following comments on the proposal.

**Construction Phase Emissions**

The project as described in the referral will not likely exceed the District's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. District staff recommends the following measures be incorporated into the project to control dust:

**Dust Control**

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible;
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

**Demolition Activities**

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

**Naturally Occurring Asbestos**

Naturally Occurring Asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is found at the site the

5-30

applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of our Enforcement Division at 781-5912.

#### Developmental Burning

Effective February 25, 2000, the District prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

#### Operational Phase Emissions

District staff has performed screening level calculations for the potential operational emissions from this project. These calculations indicate that the project will not likely exceed our CEQA significance thresholds for operation phase emissions. However as indicated above, fugitive dust could be a nuisance to local residents and businesses in close proximity to the proposed project. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. To reduce fugitive dust disturbed by vehicles traveling to the winery and wine tasting facility:

- Limit vehicle speeds to no more than 15 mph on any unpaved surface at the site.
- Pave roadways used as access routes to the tasting room.

#### Permits

Based on the information provided, we are unsure of the types of equipment that may be present at the proposed facility. The following is a list of equipment, which might require permits from the District. It is possible that additional project components not identified at this time will require some form of District review or permit so the following list should not be viewed as exclusive.

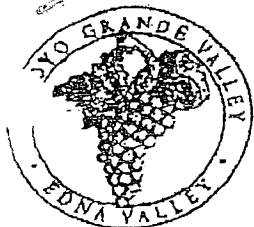
- Portable standby emergency generators.
- Boilers.
- Certain types of wastewater treatment plant may require permits.
- Portable equipment used during construction activities may require statewide registration or a District permit.

If you have any questions regarding permits, please contact David Dixon, Engineering Division Supervisor, at 781-5912.

If you have any questions or comments please contact me at (805) 781-4667.

MAG/lmg

cc: Tim Fuhs, SLOAPCD Enforcement Division  
Karen Brook, SLOAPCD Enforcement Division  
David Dixon, SLOAPCD, Engineering Division



5-31

*San Luis Obispo*

Vinners & Growers Association

Members of the San Luis Obispo County  
Planning Commission  
County Government Center  
San Luis Obispo, CA 93401

September 1, 2004

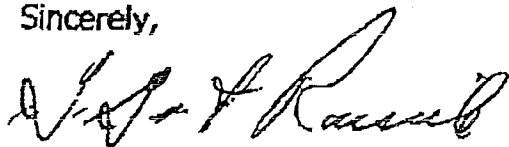
Dear Members of the Planning Commission,


We are writing to you in support of an application for Cathy MacGregor for a small winery located at 1600 Old Price Canyon Road near the intersection of Price Canyon Road and Edna Road. Cathy MacGregor of Windemere Winery has been an asset to our association and our industry for over ten years and we are thrilled that she is ready to build her own facility in the Edna Valley.

Over 80 percent of our members are boutique producers like Windemere Winery, producing very small quantities of high quality wines in small efficient winery facilities. We consider the size and scope of the proposed Windemere facility to be in keeping with the character of the wine industry in our area. In addition, we believe that the design and location of the winery building were well thought out, taking into consideration the impact to neighboring properties, the constraints of the site's topography and the importance of leaving the existing vineyard undisturbed.

In short, we believe that this is a well designed and appropriately located small winery and we encourage you to approve the application for a Minor Use Permit for Ms. MacGregor.

Sincerely,

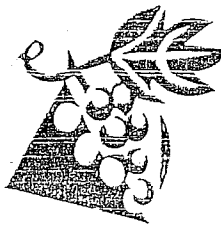
  
Grant Raeside, Executive Director

  
Robin Baggett, President

5-32

**Staff received 36 copies of the following letter dated July 10, 2004 and signed by separate parties.**





# WINDEMERE & CATHY MACGREGOR WINES

Phone Winery 805.542.0133

Fax 805.545.8080

Office 805.545.8080

cathy@windemerewinery.com

## 5-33

July 10, 2004

RE: Minor Use Permit DRC2003-00043

Dear Members of the San Luis Obispo County Planning Commission,

I am in support of my neighbor, Cathy MacGregor's project. Her family has owned the land and farmed grapes since 1974. Her project meets all the standards set forth in the County Land Use Ordinance.

The vineyard property is in an agricultural preserve under the Williamson Act. The project is situated on land that cannot support crops. It is a very small project and will be an asset to Edna Valley.

The building has been designed so it will blend into the hill. The case production will remain very small, less than 5,000 cases. The building is smaller than most two-story houses. The hill will be planted with native plants to accentuate the natural beauty of the hillsides.

We have seen the computer-projected images. In my opinion, this project will improve our neighborhood in terms of aesthetics and economic well-being. We support a very limited growth and feel this project is fully within that concept.

Please recommend approval of this permit. This is the type of project that we need to support. This will insure this land stays in agriculture production. San Luis Obispo County needs to support this family business and maintain viable agricultural crops.

I/We support this project.

Name

Winery

Date

Signature

Address

*Roberto Cellars* 7/22/04  
169 Kentucky St. SLO. 93405

5-34

August 17, 2004

Windemere Winery  
Cathy MacGregor  
33482 Sacramento Drive  
Suite E  
San Luis Obispo, CA 93401

Dear Cathy;

Enclosed is our signed support letter as you requested. I support your new building project and the vineyard.

The only issue I have is the use of the propane fired "bird gun" in your vineyard. The gun is very loud and the constant fire is extremely nerve wracking. Is there any other methods that can be used to deter the birds from the vineyard?

Good luck on your new tasting room.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Nord", with a long horizontal flourish extending to the right.

Donna Nord  
6485 Corral de Piedra Rd.  
San Luis Obispo, CA 93401  
(805) 541-6309

July, 12 2004

5-35

Cathy MacGregor & Windemere Winery

We would like to start out by thanking you for taking the time to visit with each of us and sharing your proposed project. We appreciate that you have provided us with the plans for the building and photos that show how it should look from surrounding locations. Your plans for the winery and tasting room seem to be well thought out. During your visit we discussed some of our concerns regarding this project, however at this point in time we feel that you should be allowed to develop your land in accordance with the County's rules and regulations.

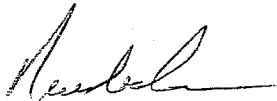
Lastly we would like to let you know that none of us received the letter you mentioned sending in January regarding your application for a Minor Use Permit. It appears as though we might not be on your mailing list. Below we have included our addresses.

Thank you for your time and good luck with your project.

Gary and Belin Tanner  
1595 Maxwellton  
SLO CA 93401



Terry and Cathy Evans  
1565 Maxwellton  
SLO CA 93401



Patti Dunlap  
1545 Maxwellton  
SLO CA 93401

